

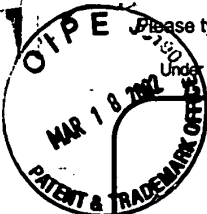
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PTO/SB/21 (08-00)

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	09/724,857
Filing Date	November 28, 2000
First Named Inventor	Weterings, Koen
Group Art Unit	1638
Examiner Name	Cynthia Collins
Attorney Docket Number	023070-114700US

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Total Number of Pages in This Submission

ENCLOSURES (check all that apply)

- ☐ Fee Transmittal Form
 - ☐ Fee Attached
- ☒ Amendment / Response
 - ☐ After Final
 - ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Response to Missing Parts/Incomplete Application
 - ☐ Response to Missing Parts under 37 CFR 1.52 or 1.53

- ☐ Assignment Papers (for an Application)
- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition Routing Slip (PTO/SB/69) and Accompanying Petition
- ☐ Petition to Convert to a Provisional Application
- ☐ Power of Attorney, Revocation Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD, Number of CD(s)

- ☐ After Allowance Communication to Group
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
- ☐ Proprietary Information
- ☐ Status Letter

☒ Other Enclosure(s)
(please identify below):

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Remarks

The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm and Individual name	Townsend and Townsend and Crew LLP	Reg. No. 47,651
Signature		
Date	March 5, 2002	

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date:

March 5, 2002

Typed or printed name	Joy M. Marshall	Date	March 5, 2002
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On March 5, 2002

TOWNSEND and TOWNSEND and CREW LLP

By: Joy M. Marshall

#9 SP 3/5/02
PATENT
Attorney Docket No.: 023070-114700US
Client Ref. No.: 2001-055-1

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Weterings et al.

Application No.: 09/724,857

Filed: November 28, 2000

For: POLYNUCLEOTIDES USEFUL
FOR MODULATING TRANSCRIPTION

Examiner: Cynthia Collins

Art Unit: 1638

RESPONSE TO RESTRICTION

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Office Action mailed February 5, 2002, Applicants hereby elect with traverse the claims of Group I (claims 1-7, 9-11, 13-15, 17-18, 20-23 and 78).

According to the MPEP, where claims can be examined together without undue burden, the Examiner must examine the claims on the merits even though they are directed to independent and distinct inventions. *See*, the MPEP at 803.01. In establishing that an "undue burden" would exist for co-examination of claims, the Examiner must show that examination of the claims would involve substantially different prior art searches, making the co-examination burdensome. Applicants respectfully submit that

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PATENT

examination of the claims in Groups I-X would not create an undue burden and respectfully request withdrawal of the restriction requirement in this case.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,



Matthew E. Hinsch
Reg. No. 47,651

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